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Programme of activities for the International Decade of the World's Indigenous People, 1995-2004

Implementation of the programme of activities for the International Decade of the World's Indigenous People

Note by the Secretary-General**

The Secretary-General has the honour to transmit to the members of the General Assembly the report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People, submitted in accordance with Assembly resolution 58/158 of 22 December 2003.

* A/59/150.

** The present note is being submitted on 17 August so as to include information on the outcome of the twenty-second session of the Working Group on Indigenous Populations.

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Report of the United Nations High Commissioner for Human Rights on the implementation of the programme of activities for the International Decade of the World's Indigenous People, 1995-2004

Summary

Of particular note during the reporting period, from August 2003 to July 2004, are the third session of the Permanent Forum on Indigenous Issues, which included a high-level panel on indigenous women, and the twenty-second session of the Working Group on Indigenous Populations, at which the principal theme discussed was "Indigenous peoples and conflict resolution". The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people carried out a large number of activities, including communications with Governments, country missions and the submission of a thematic report on indigenous people and the administration of justice to the Commission on Human Rights at its sixtieth session. The Office of the United Nations High Commissioner for Human Rights continued to promote inter-agency cooperation within the framework of the International Decade of the World's Indigenous People, through participation in inter-agency consultations, cooperation in regard to human rights training, and joint activities. The 2004 Indigenous Fellowship Programme, currently in its eighth year, began in May and will provide training to 14 young indigenous participants.

I. Introduction

1. In its resolution 58/158 of 22 December 2003, the General Assembly requested the United Nations High Commissioner for Human Rights to submit, through the Secretary-General, a report on the implementation of the programme of activities for the International Decade of the World's Indigenous People to the Assembly at its fifty-ninth session. The present report contains a summary of the activities relating to indigenous people undertaken by the Office of the High Commissioner during the period between the submission of the report of the High Commissioner to the Assembly at its fifty-eighth session (A/58/289) and August 2004.

II. Implementation of the programme of activities for the International Decade of the World's Indigenous People

A. Working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people

2. The ninth session of the open-ended intercessional working group of the Commission on Human Rights charged with elaborating a draft declaration on the rights of indigenous people was held in Geneva from 15 to 26 September 2003. The working group held an informal discussion on the clusters of articles 3, 31 and 36, 25 to 30, and 7, 8 and 11. The report of the working group is contained in E/CN.4/2004/81 and Add.1. Its tenth session will be held in Geneva, from 13 to 24 September 2004, and will resume on 29 November to 3 December 2004.

B. Commission on Human Rights

3. The Commission on Human Rights held its sixtieth session from 15 March to 23 April 2004. The Commission considered the report of the working group, the report of the High Commissioner on the activities undertaken within the framework of the International Decade (E/CN.4/2004/79) and the report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (E/CN.4/2004/80 and Add.1-4 and Add.4/Corr.1). On 20 April 2004, the Commission on Human Rights adopted resolution 2004/57, on the Working Group on Indigenous Populations of the Subcommission on the Promotion and Protection of Human Rights, resolution 2004/58, on the Working Group and the International Decade of the World's Indigenous People, and resolution 2004/59, on the working group of the Commission on Human Rights to elaborate a draft declaration.[1]

C. Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people

4. In its resolution 2004/62 of 21 April 2004, the Commission extended the mandate of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people for an additional period of three years.[1] The Special Rapporteur, Rodolfo Stavenhagen (Mexico), accepted a second term. Within the framework of his mandate, as established by the Commission in resolution 2001/57

of 24 April 2001,[2] the Special Rapporteur undertook, during the period under review, a wide range of activities. These are described in detail in his first report to the General Assembly (see A/59/258).

D. Permanent Forum on Indigenous Issues

5. The third session of the Permanent Forum on Indigenous Issues was held at United Nations Headquarters, from 10 to 21 May 2004. The Forum addressed the issues of indigenous women, education, culture, human rights, economic and social development, the environment, health and its future work. Within the framework of the Forum, a high-level panel was convened to consider the issue of indigenous women. The Chairperson-Rapporteur of the Working Group on Indigenous Populations and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people made presentations and took part in discussions with members of the Forum on future cooperation among the three mechanisms relating to indigenous people.[3]

E. Seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples

6. In accordance with Economic and Social Council decision 2003/271 of 23 July 2003, seminar on treaties, agreements and other constructive arrangements between States and indigenous peoples was held in Geneva, from 15 to 17 December 2003. The conclusions and recommendations of the seminar were submitted to the Commission on Human Rights at its sixtieth session (see E/CN.4/2004/111), and a summary of the discussions held during the seminar was submitted to the Working Group on Indigenous Populations at its twenty-second session (see E/CN.4/Sub.2/AC.4/2004/7 and Corr.1).

F. Seminar of experts on indigenous peoples and the administration of justice

7. The seminar of experts on indigenous peoples and the administration of justice, organized by the Office of the High Commissioner in cooperation with the National University for Distance Education of Spain, was held in Madrid, from 12 to 14 November 2003. The seminar was attended by over 100 indigenous and governmental experts, academics and representatives of non-governmental organizations, as well as by the Special Rapporteur. The experts discussed issues related to discrimination against indigenous people in the judicial system and the legal systems of indigenous people, and drew up a set of conclusions and recommendations that included the proposal that exhaustive reviews and, if necessary, reforms of justice systems be carried out to better protect the rights of indigenous people. It was considered that such reforms should include respect for indigenous legal customs, language and culture in the courts and the administration of justice; the full participation of indigenous people in justice reform; and the establishment of alternative justice mechanisms. The report of the seminar is contained in E/CN.4/Sub.2/AC.4/2004/6.

G. Evaluation of the impact of the Decade

Preliminary review

8. The report of the Secretary-General on the preliminary review of the International Decade of the World's Indigenous People was submitted to the Economic and Social Council at its substantive session of 2004 (E/2004/82). The report provides a summary of the activities undertaken by the Office of the High Commissioner and the organizations of the United Nations system during the period 1995-2004, and of the information received from seven Member States and six indigenous peoples' organizations. The report concludes by noting advances in the area of inter-agency cooperation in regard to indigenous issues, the establishment of the Permanent Forum on Indigenous Issues and the mandate of the Special Rapporteur of the Commission on Human Rights on the situation of human rights and fundamental freedoms of indigenous people, and the implementation of activities contained in the programme of activities adopted by the General Assembly. Despite the important institutional developments that have taken place within the framework of the Decade, the report acknowledges that indigenous people in many countries continue to be among the poorest and the most marginalized. It notes that the adoption of a declaration on the rights of indigenous people — one of the main objectives of the Decade — has not been achieved. The report considers that further efforts are needed by the Member States concerned and the international community to ensure that all indigenous people everywhere enjoy full human rights and enjoy real and measurable improvements in their living conditions.

Evaluation seminar

9. December 2004 will mark the end of the Decade and, with this in view, the Advisory Group of the United Nations Voluntary Fund for the International Decade of the World's Indigenous People, at its ninth session in April 2004, recommended that a technical seminar be held to evaluate the contribution and impact of the United Nations Voluntary Fund for Indigenous Populations and the Voluntary Fund for the Decade in achieving the goals of the Decade. The seminar was held in Geneva on 15 and 16 July, prior to the twenty-second session of the Working Group on Indigenous Populations, and was attended by some 30 indigenous representatives, 20 governmental delegates and several representatives of United Nations agencies and non-governmental organizations. The first part of the seminar was dedicated to the evaluation of the impact of the funds and the second part to their future in the light of such developments as the closure of the Decade and the establishment of other voluntary funds for indigenous people in the United Nations system. Several past beneficiaries of the funds shared with the seminar participants their experiences regarding the impact of the funds in improving the situation in their communities. They described how both project and travel grants had been of assistance in that regard. The conclusions of the seminar can be summarized as follows: it was considered that the two voluntary funds had contributed to the realization of the objectives of the Decade by empowering indigenous people and promoting and protecting their rights through the provision of support for activities and projects. The voluntary funds were considered to represent an expression of partnership with indigenous people by involving them in the decision-making

processes of the United Nations through the Board of Trustees and the Advisory Group, respectively.

10. The participants considered that the Voluntary Fund for the Decade had been innovative in funding projects that had been developed by indigenous people for indigenous people. It was further noted that the mandates of the funds were in line with the Secretary-General's agenda for reform and his efforts to involve civil society more directly in the work of the Organization. The funds promoted peaceful solutions and dialogue and thereby contributed to the core mandate of the Charter of the United Nations. The participants recommended that the Coordinator of the Decade encourage the General Assembly to proclaim a second decade for indigenous people and to extend the mandate of the Voluntary Fund for the Decade. The full report on the seminar can be obtained from the Office of the High Commissioner.

Questionnaire to evaluate the Decade

11. The Office of the High Commissioner distributed at several United Nations meetings relating to indigenous people, including the third session of the Permanent Forum, a questionnaire inviting indigenous organizations to give their views on the impact of the Decade. In the questionnaires, indigenous people were asked if there had been improvements in their communities during the Decade. The replies, received from 50 organizations (36 per cent) noted positive changes. They referred to better access to development projects, improved information on indigenous rights, the strengthening of local indigenous organizations, and an increase in indigenous participation in local authorities. Forty-four per cent of respondents said that there had been no improvements at the community level and a small percentage said that the situation had worsened. In answer to the question as to whether there had been improvements at the national level, 52 per cent of respondents noted positive changes and referred to the recognition of indigenous identity and other indigenous rights, better indigenous representation in political institutions, the multiplication or strengthening of indigenous organizations, and the creation of national indigenous institutions. On the other hand, 44 per cent confirmed that few or no changes had occurred at the national level and that indigenous people should be more involved in political decisions; some noted a regression in national policies. Sixty-eight per cent of respondents indicated that, at the international level, the Decade had brought positive changes, including better access to diverse international activities, and exchange of experience and contacts with other indigenous organizations and representatives; some expressed the wish for the declaration of a second decade. Fourteen per cent of respondents stated that they did not know about the Voluntary Fund for the Decade and some complained that there was unequal access to international meetings. In answer to the question on what type of future activities should be undertaken, 44 per cent of respondents said that they would like to have more information about United Nations activities, especially at the local and national levels, and about training courses on indigenous rights for communities; 30 per cent wanted better access to development programmes and funds related to indigenous women's rights, education, health and protection of the environment; 20 per cent wanted their organizations to receive greater support; and 14 per cent wished to have greater participation within the United Nations system.

H. Cooperation between the Office of the United Nations High Commissioner for Human Rights and the United Nations Human Settlements Programme (UN-Habitat)

12. The Office of the High Commissioner, in cooperation with the United Nations Human Settlements Programme (UN-Habitat), is continuing its research project on the housing rights of indigenous people. This research indicates that, despite some focused policies and practices in a number of countries, indigenous people suffer from worse living and housing conditions than the population at large. The final report of this research initiative, including case studies from Australia, Canada, Ecuador, Finland, Kenya, Mexico, Norway, Sweden, the Philippines and the Russian Federation, is expected to be published towards the end of 2004. The highlights of the research findings, concluding observations and preliminary recommendations are summarized in the note by the Secretariat on information received from the United Nations system (E/C.19/2004/5, sect. IV).

I. Community-led human rights training

13. In the line with its efforts to strengthen community-based human rights training for indigenous people and on the recommendation of the Advisory Group for the Voluntary Fund for the International Decade of the World's Indigenous People, the Office of the High Commissioner provided a grant to the Foundation for Research and Support for the Indigenous Peoples of Crimea for the organization of a human rights training workshop. The community-based training was held in Simferopol, Ukraine, from 21 to 23 June 2004. Some 200 indigenous persons attended the training, which included presentations on national human rights protection and on relevant international standards relating to indigenous people. The Office of the High Commissioner provided resource persons for the meeting.

J. Indigenous Fellowship Programme

14. The Indigenous Fellowship Programme, currently in its eighth year, is implemented by the Office of the High Commissioner and supported through the regular budget of the United Nations. Under the 2004 programme, which began on 3 May and will end on 1 October, intensive and comprehensive training in human rights is provided by United Nations experts and resource persons drawn from the staff of the Office. The programme also provides an opportunity for the fellows to gain practical experience at United Nations meetings, including the sessions of the working groups on the rights of indigenous people and of the human rights treaty bodies, and to learn about the technical cooperation activities of the Office. The Office also organizes study visits to the headquarters of several Geneva-based specialized agencies, including the International Labour Organization, the World Health Organization and the World Intellectual Property Organization, as well as to several non-governmental organizations. Furthermore, in 2004 the fellows spent two weeks at the United Nations Educational, Scientific and Cultural Organization in Paris. The Indigenous Fellowship Programme gives indigenous individuals the opportunity to gain experience in human rights and the United Nations system and to serve as resource persons in their communities upon their return. The indigenous

persons participating in the 2004 programme were from Denmark (Greenland), Kenya, Myanmar, Solomon Islands and Ukraine.

15. The Indigenous Fellowship Programme includes a complementary training component for indigenous people from Latin America, organized in cooperation with the Institute for Human Rights at the University of Deusto in Bilbao, Spain. The four-and-a-half-month training component for Spanish-speaking indigenous persons is now in its fifth year. The programme provides human rights training at the Institute and practical experience with the Office of the High Commissioner in Geneva. The four indigenous persons participating in the Deusto programme in 2004 were from Argentina, Brazil, Colombia and Mexico.

16. In 2002, a pilot project for French-speaking indigenous people was launched in cooperation with the University of Burgundy in Dijon, France. Three indigenous persons were funded to participate in that programme. The programme lasted one month, with two weeks at the university and two weeks at the Office of the High Commissioner. The programme content was evaluated very positively. In 2003, five French-speaking indigenous people followed the programme. In September 2004, four French-speaking indigenous people from France (New Caledonia), Mali and Morocco will follow the programme for a period of two and a half months.

K. Working Group on Indigenous Populations

17. The principal theme discussed at the twenty-second session of the Working Group on Indigenous Populations was "Indigenous peoples and conflict resolution". Information provided by indigenous representatives showed that the realization of the rights of indigenous people can be an important conflict resolution mechanism. Under the item on standard-setting, the principle of free, prior and informed consent and the protection of the heritage of indigenous people were discussed with a view to elaborating guidelines on both topics. The Working Group considered two working papers on the topics, prepared jointly by experts of the Working Group and indigenous organizations (E/CN.4/Sub.2/AC.4/2004/4 and E/CN.4/Sub.2/AC.4/2004/5). More than 600 persons participated in the work of the twenty-second session, including two members of the Permanent Forum. The report of the Working Group is contained in E/CN.4/Sub.2/2004/28.

L. Technical cooperation programme

18. The Office of the High Commissioner continues to integrate indigenous issues into its technical cooperation programmes. At present, technical cooperation projects in several countries in Latin America include specific activities that benefit indigenous people. Such activities consist of training representatives of indigenous people's organizations and strengthening the capacity of the State institutions responsible for the protection of human rights that have a specific mandate in regard to indigenous people.

M. Inter-agency consultation

19. In September 2003, the inter-agency support group met at the headquarters of the World Intellectual Property Organization to prepare for the third session of the Permanent Forum on Indigenous Issues. An inter-agency meeting was also convened by the Office of the High Commissioner on 18 July 2004, prior to the twenty-second session of the Working Group on Indigenous Populations.

N. United Nations Voluntary Fund for Indigenous Populations

20. Information on the United Nations Voluntary Fund for Indigenous Populations for the period 2003/2004 is contained in the biennial report of the High Commissioner on the status of the Fund (see A/59/257).

O. Voluntary Fund for the International Decade of the World's Indigenous People

21. In accordance with General Assembly resolutions 48/163 of 21 December 1993, 49/214 of 23 December 1994 and 50/157 of 21 December 1996, the purpose of the Voluntary Fund for the International Decade of the World's Indigenous People is to accept and administer voluntary contributions for the purpose of funding projects and programmes during the Decade. The Fund receives contributions from Governments, non-governmental organizations and other public or private entities. In accordance with paragraph 23 of the annex to resolution 50/157, an advisory group was established to assist the secretariat of the Fund. The current Advisory Group is composed of the members of the Board of Trustees of the United Nations Voluntary Fund for Indigenous Populations, who are all indigenous experts, the Chairperson-Rapporteur of the Working Group on Indigenous Populations and another United Nations expert who is a specialist in project and programme management and is appointed by the High Commissioner for Human Rights in her capacity as Coordinator of the Decade. The most recent reports of the Secretariat on the Fund are contained in E/CN.4/2004/79 and E/CN.4/Sub.2/AC.4/2004/9. Information on the Fund is also available on the web site of the Office of the High Commissioner, under "Fundraising". Additional information can be obtained from the secretariat of the Fund, Office of the High Commissioner.

22. At its ninth session, held from 22 to 26 March 2004, the Advisory Group reviewed the financial situation of the Fund and the contributions made by regular and new donors since its eighth session. After making the mandatory provisions for programme support costs (13 per cent) and the operating cash reserve (15 per cent) in accordance with the relevant United Nations financial rules, US$ 376,867 were available. The Advisory Group examined 159 admissible applications for project grants received within the deadline, which represented an amount of US$ 2,810,000. Taking into consideration the limited resources available and the selection criteria, the Advisory Group recommended for approval by the Secretary-General grants for 35 project, totalling US$ 243,500 (see E/CN.4/Sub.2/AC.4/2004/9, annex IV). Funding was also made available for a publication on the Decade and three community-led human rights training workshops, to be held in different regions. The Advisory Group also reviewed the status of the 58 outstanding narrative and

financial reports from organizations that had received a grant from the Fund between 1998 and 2002. The Group recommended that the organizations that had received a grant in 1999 and 2000 and that had not fulfilled their reporting obligations should submit the overdue reports immediately. The secretariat is in the process of informing these organizations that failure to submit their reports by the established deadline may result in their being asked to refund the grants. The Advisory Group also reviewed the status of project grants allocated to 48 organizations in 2003.

23. The geographical distribution of the project grants recommended by the Advisory Group at its ninth session, the voluntary contributions received by the Fund during the period from 1 April 2003 to 30 July 2004, outstanding pledges as at 30 July 2004 and the number of grants approved during the period 1998-2004 are shown in tables 1 to 4 below.

Table 1
Geographical distribution of grants recommended by the Advisory Group at its ninth session

Geographical area	*Number of project grants awarded*	*Amount (United States dollars)*
Africa	11	85 000
Americas	10	70 500
Asia	11	75 000
Europe	3	13 000
Total	**35**	**243 500**

Table 2
Contributions received by the Voluntary Fund for the International Decade of the World's Indigenous People, 1 April 2003-30 July 2004

Donor	*Amount (United States dollars)*	*Date on which payment was registered*	*Location where payment was received*
Australia[a]	15 182	14 April 2003	Geneva
Chile	1 000	31 July 2003	New York
Canada	11 044	16 March 2004	Geneva
Denmark	73 512	11 March 2004	Geneva
Estonia	11 816	30 December 2003	Geneva
France[a]	11 333	20 May 2003	Geneva
Greece	3 000	8 August 2003	Geneva
Japan	11 520	17 November 2003	Geneva
Luxembourg[a]	2 454	20 May 2003	Geneva
Netherlands[a]	55 334	1 April 2003	Geneva
New Zealand[a]	5 333	9 September 2003	Geneva
Norway[a]	49 168	2 May 2003	Geneva

Donor	*Amount (United States dollars)*	*Date on which payment was registered*	*Location where payment was received*
Sweden[a]	18 727	7 April 2003	Geneva
Switzerland[a]	14 666	14 April 2003	Geneva
Mr. Yorio Shiokawa	221	4 August 2003	Geneva
	356	11 September 2003	Geneva
United Nations Staff Gala[a]	8 818	20 May 2003	Geneva

[a] Contributions refer to the transfer to the Fund of the remaining balance of contributions originally made to the United Nations Voluntary Fund for the International Year of the World's Indigenous People.

Table 3
Outstanding pledges as at 30 July 2004

Donor	*Amount (United States dollars)*	*Date pledged*	*Location where pledged*
Algeria	5 000	23 December 2002	Geneva

Table 4
Number of grants approved, 1998-2004

Year recommended (Advisory Group session)	*Admissible applications received*	*Application amount (United States dollars)*	*Grants approved*	*Amount of grant (United States dollars)*
1998 (third)	44	-	13	139 016
1999 (fourth)	94	4 161 178	24	232 000
2000 (fifth)	58	2 796 688	20	174 955
2001 (sixth)	82	3 699 880	30	252 606
2002 (seventh)	102	2 814 752	43	390 152
2003 (eighth)	197	5 000 000	48	274 000
2004 (ninth)	159	2 810 000	35	243 500

Notes

[1] See E/2004/23 (Part I). The complete report of the Commission will be issued as *Official Records of the Economic and Social Council, 2004, Supplement No. 3*.

[2] See ibid., *2001, Supplement No. 3* (E/2001/23), chap. II, sect. A.

[3] The report of the Forum on its third session has been issued as *Official Records of the Economic and Social Council, 2004, Supplement No. 23* (E/2004/43).